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DE RUEHKU #1095/01 0881357  
ZNY CCCCC ZZH  
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FM AMEMBASSY KUWAIT  
TO RUEHC/SECSTATE WASHDC PRIORITY 3737  
INFO RUEHZM/GULF COOPERATION COUNCIL COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 KUWAIT 001095

SIPDIS

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FOR NEA/ARP, INL/HSTC, G/TIP, AND DRL

E.O. 12958: DECL: 03/29/2016

TAGS: [PHUM ELAB KU TIP](#)

SUBJECT: 2006 TRAFFICKING IN PERSONS REPORT UPDATE:  
PROSECUTIONS, SHELTER, EXPAT LABOR CONFERENCE

REF: A. KUWAIT 1084

[B](#). KUWAIT 1013

[C](#). KUWAIT 698

Classified By: CDA Matt Tueller for reasons 1.4(b) and (d).

[1](#)1. (C) Summary and comment: While much work remains to be done, Post believes that the GOK is making significant efforts to combat human trafficking and to improve the working conditions and status of the large expatriate labor community. In the 2006 TIP report, we recommend that Kuwait be listed as a Tier 2 Watchlist country. Post revisions, including factual corrections, to the draft TIP report are in para 7. Post edits to the report include recognition of GOK eradication of the problem of underage camel jockeys, which constituted one of the main foci of the 2005 report. The draft suggested this was still a problem despite Post reporting on the issue. In addition, the Government has worked to crack down on illegal residence permit and visa selling, a major source of TIP problems in Kuwait (ref B). The permanent interagency committee to address expatriate worker issues, the ongoing discussions on establishing a shelter, the creation of a standard domestic labor contract, collaboration on an ESF-funded public awareness campaign, and the preliminary support for the UN conference are all significant efforts that directly address issues of the action plan for Kuwait and are projects that will bear fruit in the coming year. As the TIP report states, Tier 2 Watchlist designations can be made for "Countries whose governments do not fully comply with the Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards," and "The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year." A ranking of Tier 2 Watchlist would recognize the steps the GOK has taken, while still emphasizing that continued progress is essential. End summary and comment.

TIP Report Update: Prosecution

[1](#)2. (SBU) The Ministry of Justice has provided Post with calendar year 2005 statistics on prosecutions of TIP-related crimes in Kuwait:

- at least 130 convictions for selling residence permits, one of the primary means for worker exploitation;
- 7 convictions for torture in order to coerce witnesses into making statements;
- 229 convictions for monetary dues;
- 19,904 convictions for violating labor rights;
- 451 convictions for failure to provide official documents;
- 258 convictions for hiring workers from abroad and then not providing them with work;

-- 12 convictions for employing workers for more hours than the legal limit;  
-- 1 conviction for overcrowding company housing;  
-- at least 202 convictions for inciting to indecency or prostitution.

13. (SBU) The Ministry of Social Affairs and Labor (MOSAL) has provided Post with statistics covering thousands of workplace inspections, covering violations from occupation safety hazards to sponsorship infractions.

14. (SBU) The Ministry of Interior has provided Post with a handful of court cases where domestic employees were able to get restitution from employers who had been delinquent in payment or had treated the domestic employee improperly.

#### TIP Report Update: Domestic Labor Shelter

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15. (C) The shelter for domestic workers is currently stalled. The shelter is the responsibility of the "Permanent Committee for Organizing the Situation of Expatriate Workers in the Private Sector and Treating Problems Relating to the Use of Domestic Workers," which is headed by the MOSAL, and includes the Ministry of Interior, the Kuwait Municipality, and the Ministry of Commerce and Industry. When asked about the progress of the shelter, MOI officials told PolOff it was under study. MOSAL officials thought it was currently in the hands of the Kuwait Municipality, which needed to designate a site for the shelter. Tawfiq Bu Hamad, Deputy Director General for Project Development at the Kuwait Municipality, had his office research the project and responded to PolOff on March 28 that no one had requested that the Municipality allocate land for a domestic labor shelter. Director of

KUWAIT 00001095 002 OF 003

MOSAL's International Relations Department, Amina Jowhar, encouraged the Embassy to maintain its pressure on the committee in order to force a definitive decision to establish and build the shelter.

#### TIP Report Update: Expatriate Labor Conference in Kuwait

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16. (SBU) Jowhar also told PolOff that the GOK has given a preliminary approval to a UN-sponsored conference (ref A). UNDP representative in Kuwait, Moez Doraid, told PolOff on March 28 that his GOK sources had told him the same thing. Indications are that the GOK will not only host the conference, but will reserve one or two full days for the U.S. to convey its labor-related messages through workshops and other training sessions. Both the UNDP and the GOK have emphasized that they want to coordinate intensively with the U.S. on this conference.

#### Revised TIP Report

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#### 17. (SBU) KUWAIT (Tier 2 Watch List)

Kuwait is a destination country for men and women who migrate legally from Bangladesh, India, Pakistan, Sri Lanka, Nepal, Indonesia, and the Philippines for domestic or low-skilled labor, but are subjected to conditions of involuntary servitude by employers in Kuwait. Victims suffer conditions including physical and sexual abuse, non-payment of wages, confinement to the home, and withholding of passports to restrict their freedom of movement. Kuwait is reportedly a transit point for South and East Asian workers recruited by Kuwaiti labor recruitment agencies for low-skilled work in Iraq; some of these workers are deceived as to the true location and nature of this work and others are subjected to conditions of involuntary servitude in Iraq.

The Government of Kuwait does not fully comply with the minimum standards for the elimination of trafficking, but is

making significant efforts to do so. The Government identified the Ministry of Social Affairs and Labor (MOSAL) as the central agency coordinating the Government's anti-trafficking activities and established a permanent, interagency committee to address the problems of expatriate laborers in the private sector and domestic workers. The committee met five times in 2005 -2006 and issued recommendations regarding minimum wages, reducing visa trading, and establishing a standard contract for domestic workers. The Government imposed a strict ban on camel jockeys and child camel jockeys are no longer a problem in Kuwait due to the Government's monitoring and enforcement efforts. Kuwait prosecuted some cases of abuse against expatriate workers under its criminal laws over the last year. The Government has publicly announced that passing a draft labor law through Parliament that would criminalize the exploitation of foreign workers is a top priority. The Government should take immediate and significant steps to pass the new labor law, criminally prosecute abusive employers, extend labor law protections to domestic workers, enforce decreed standardized contracts that provide some security for domestic workers, and improve victim protection by building or providing funds to build a shelter for abused foreign laborers.

#### Prosecution

The Government of Kuwait failed to take sufficient measures to punish trafficking crimes over the last year. Kuwait lacks a specific anti-trafficking law, but used other sections of its criminal code to prosecute trafficking offenses and hand down fines and convictions. The Government provided no specific law enforcement training on trafficking in persons, although one police station has responsibility for investigating trafficking crimes. Kuwait should increase investigations and prosecutions for foreign domestic worker abuse, including cases involving physical and sexual abuse, under its criminal laws, assign criminal penalties sufficient to deter future acts, and train its law enforcement officers and prosecutors on methods of investigating and prosecuting trafficking offenses.

#### Protection

During the year, Kuwait improved its protection of victims of trafficking. The GOK imposed a strict ban on the use of underage jockeys and there is no evidence of children at work as jockeys at any camel races. MOSAL has established a labor dispute center (for non-domestic workers) to assist workers in salary disputes. In addition, Kuwait has improved the

KUWAIT 00001095 003 OF 003

agency which enables source country embassies, working with a GOK mediator, to mediate domestic laborers' legal complaints and facilitate their resolution. The Kuwait Union for Domestic Labor Offices (KUDLO), a Government-licensed NGO, also contracted a law firm to provide pro bono legal aid to foreign workers. Foreign workers are permitted to file civil suits against their employers. Though cases move slowly through the courts, workers often win such cases. The Government provides very inexpensive medical care for foreign workers.

The Ministry of Interior suspended in the past year 163 domestic labor agencies for illegal practices. Nevertheless, less scrupulous Kuwaiti labor agencies continued to recruit South and East Asian laborers, reportedly using deceptive and fraudulent offers and coercive techniques, to meet demand in Iraq for cheap third-country national (TCN) labor. The Government did not attempt to regulate this lucrative trade of workers through Kuwait. The Government does, however, enforce laws that only allow incoming domestic workers to be picked up from the airport by Government-licensed agencies that have already agreed to a contract with the worker. These agencies are then responsible for the worker's welfare for six months.

In July, the Ministry of Interior issued a decree requiring a tripartite contract for domestic workers to be signed by the recruitment agency, employer, and employee outlining the rights of the domestic employee. The Ministry has set August 2006 as the implementation date for the decree in order to allow Kuwaiti embassies abroad time to establish the necessary administrative procedures.

The Government is in the final stages of the approval process for issuance of a license to KUDLO for establishing a shelter. In early February, however, the Kuwait Municipality closed down KUDLO headquarters (where the shelter was to be housed) on a zoning technicality. The zoning issue remains unresolved. The Government should take immediate steps to establish and support a shelter that provides a range of protective services to trafficking victims, institute a screening mechanism to identify victims, and formally extend protection to domestic workers.

#### Prevention

This year, Kuwait's efforts at preventing trafficking in persons have improved. With U.S. assistance, the Government is launching a public-awareness campaign featuring a wallet-sized information card to be distributed at airports, health clinics and in other places frequented by East and South Asian workers in Kuwait. The Government has carried out numerous raids of "billiard halls," believed to be places that illegally employ women who have run away from bad labor situations and have few other options for legitimate work.

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